



JAMES T. CARTER, O.D.
640 TURK ST. SUITE 4 SAN FRANCISCO, CA 94102 U.S.A.
VOICE: 415.345.9271 FAX: 415.345.9916 EMAIL: JCARTIER@LYCRONPOLYMER.COM

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FEB 15, 2010

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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MAR 01 2010

OFFICE OF PETITIONS

Ref: Carter Pat. No. 6,326,446, Petition PTOSB65

Dear Sir or Madam,

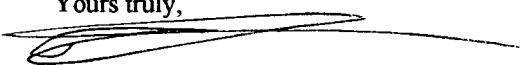
I am enclosing a PTOSB65 petition, a maintenance fee and surcharge payment check and a PTOSB81A change of agent mailing address form. I am making these corrections after speaking to an agent in your offices last Friday.

I have included the following statement in my petition in a humble effort to satisfy all requirements for the good standing of my patent 6,326,446:

I am a poor independent inventor. Edwin Shalloway and then Leonard Sherman were my patent attorneys in Alexandria, VA (Sherman & Shalloway). I have been timely with maintenance fee payments for my two patents Nos. 6, 201,089 & 6,326,446. I have taken reasonable and prompt care to maintain my two patents. Mr. Shalloway died around 2002. Mr. Sherman then provided me with timely notice for three maintenance fee payments. Mr. Sherman then died five years later. Their firm closed some time later without notification. With the unavoidable loss of my lawyers and their firm, I missed paying a 5 1/2 yr fee two months ago. Finally, a company is interested in licensing my patents, they informed me of the new PaIR site where this morning I discovered my Dec 4, 2009 fee was not paid. I promise to now personally review my fee status online and humbly beseech you to accept the fee payment and surcharge enclosed. I will also submit a change of address (PTOSB81a) so that this will never happen again.

Please accept the enclosed as well as my good faith in this matter before us.

Yours truly,


James T. Carter, O.D.

Encl: Form PTOSB65
Form PTOSB81A
Maint. fee & surcharge check (\$1,780)

02/26/2010 DALLEN 00000019 6326446

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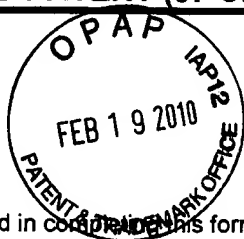
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

**RECEIVED****MAR 01 2010****OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6326446

Application Number: 09/735,525

Issue Date: Dec 4, 2001

Filing Date: Dec 14, 2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date
2/15/10

Signature

James T. Carter

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$	3 ½ yr fee	(1551)	<input type="checkbox"/> \$	3 ½ yr fee	(2551)
<input type="checkbox"/> \$	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1080	7 ½ yr fee	(2552)
<input type="checkbox"/> \$	11 ½ yr fee	(1553)	<input type="checkbox"/> \$	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1080

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ ⁷⁰⁰ (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ ⁷⁰⁰

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 1,780☐ Please charge Deposit Account No. the sum of \$☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No.

7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No.

OR

☐ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)

Date

2/15/10

Typed or printed name(s)

Registration Number, if applicable

James T. Carter

Address

Telephone Number

640 Turk Street, Apt 4, San Francisco, CA 94102

Address

ENCLOSURES:

- ☒ Maintenance Fee Payment
- ☒ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- ☒ Other: Revocation of Power of Attorney and change of address form PTOSB81a

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Signature

Date

James T. Carter

Type or printed name

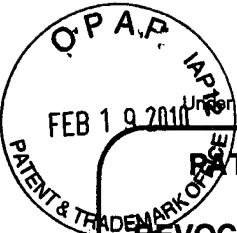
Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

I am a poor independent inventor. Edwin Shalloway and then Leonard Sherman were my patent attorneys in Alexandria, VA (Sherman & Shalloway). I have been timely with maintenance fee payments for my two patents Nos. 6,201,089 & 6,326,446. I have taken reasonable and prompt care to maintain my two patents. Mr. Shalloway died around 2002. Mr. Sherman then provided me with timely notice for three maintenance fee payments. Mr. Sherman then died five years later. Their firm closed some time later without notification. With the unavoidable loss of my lawyers and their firm I missed paying a 5 1/2 yr fee two months ago. Finally, a company is interested in licensing my patents, they informed me of the new PaIR site where this morning I discovered my Dec 4, 2009 fee was not paid. I promise to now personally review my fee status online and humbly beseech you to accept the fee payment and surcharge enclosed. I will also submit a change of address (PTOSB81a) so that this will never happen again.

(Please attach additional sheets if additional space is needed)



PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Patent Number	6 326 446
	Issue Date	Dec. 4 2001
	First Named Inventor	James T. Carter
	Title	Macroporus Hyperhydroxy Polymer and Articles Made Therefrom
	Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

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MAR 01 2010

OFFICE OF PETITIONS

Please recognize or change the correspondence address for the above-identified patent to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	James T. Carter				
Address	640 Turk Street, Apt. 4				
City	San Francisco	State	CA	Zip	94102
Country	USA				
Telephone	415-345-9271	Email	jcarter@lucronnolmer.com		

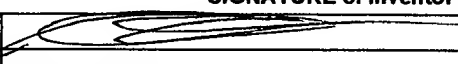
I am the:

☒ Inventor, having ownership of the patent.

OR

☐ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Inventor or Patent Owner			
Signature		Date	2/15/10
Name	James T. Carter	Telephone	415-345-9271
Title and Company			

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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VOICE: 415.345.9271 FAX: 415.345.9916 EMAIL: JCARTIER@LYCRONPOLYMER.COM

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JUN 23 2010

OFFICE OF PETITIONS

JUNE 21, 2010

Alesia M. Brown
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Ref: Carter Pat. No. 6,326,446, Petition PTOSB65—Fee Balance Correction

Dear Ms. Brown,

Thank you for speaking with me this morning regarding your letter of June 17, 2010. and my petition for unavoidable maintenance fee delay sent Feb 15, 2010.

Of specific concern is the 7.5 year small entity fee difference between the \$1,070.00 submitted with my petition (\$1,780.00 total w/ \$700.00 surcharge) and the current required maintenance fee of \$1,240.

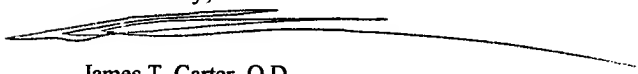
As you instructed me, I am enclosing a check for the fee difference of \$160.00. in satisfaction to bring my submitted fee total paid to \$1,940.00.

You said that no form or reconsideration fee is required at this time and that this letter and my check for the fee difference will satisfy the fee matters of my petition.

I look forward to your understanding and a fair outcome of my petition.

Thank you for you help with this correction.

Yours truly,



James T. Carter, O.D.

Encl: \$160.00 fee correction money order

06/25/2010 CKHLUK 00000001 6326446

01 FC:1599

160.00 OP